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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Artjom Lutkov

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EXAMINER

BAKER, LORI LYNN

ART UNIT

PAPER NUMBER

3751

MAIL DATE

DELIVERY MODE

12/06/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. Applicant's arguments filed 9/16/10 have been fully considered but they are not persuasive. See response to arguments below. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In this case, Beasley teaches handles configured to respectively accommodate a hand or a foot as cited by the Office Action. Halsworth, a secondary reference is relied upon for the teaching of a similar handle 14, 16 modified by adding a loop (see column 3, line 7). See Figure

Claim Objections

2. Claim 30 is objected to because of the following informalities: the recitation, "which are at least partially enclosed the hoop and/or loop" is unclear. The examiner questions how the hoop and/or loop enclose itself. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3751

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18-24, 26, 28 and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beasley in view of Halsworth. The rejection from the previous office action is incorporated herein. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. Applicant further argues that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In this case, Beasley teaches all of the limitations to include an elongated body, capable of being flexed, having at least two handles configured to respectively accommodate a hand or a foot as cited by the previous Office Action. As broadly claimed, though Halsworth shows an elongated device 12, having borings transverse to the longitudinal direction, is relied upon for the teaching of a handles in the shape of a hoop and/or loop (see figure 14) or similar handle 14, 16, 18 made from a soft material 18 or stretchable material (see figure 2 and col. 4, lines 14-20) is modified by adding a loop 18(see column 3, line 7). The claimed element, a handle, is known in the prior art and one skilled in the art

Art Unit: 3751

could have combined the element or handle made in various forms as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. The Applicant should note that the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. Furthermore, a change in the shape of a prior art device is a design consideration within the skill of the art.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beasley and Halsworth in view of Ladin. The rejection from the previous office action is incorporated herein. See arguments above.

6. Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beasley and Halsworth in view of Malynowsky. The rejection from the previous office action is incorporated herein. See arguments above.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

Art Unit: 3751

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori Baker whose telephone number is (571) 272-4971. The examiner can normally be reached on M-F, 8am-5pm. For interview requests, please contact the examiner directly and submit PTO Form 413A.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lori Baker/
Primary Examiner, Art Unit 3751